

## **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed May 2, 2008. Claims 1-12 and 23-25 are canceled. Claims 13-22 and 26 remain pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. Obviousness Type Double Patenting Rejection**

In the Office Action, the Examiner rejected claims 13-22 and 26 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-30 of U.S. Patent No. 7,099,382 to *Aronson et al.* in view of U.S. Patent No. 6,476,949 to *Loh et al.* ("*Loh*"). Applicants submit herewith a terminal disclaimer relative to U.S. Patent No. 7,099,382 in order to overcome this rejection. Withdrawal of this rejection and allowance of the pending claims is respectfully requested in view of the terminal disclaimer.

### **II. Rejection Under 35 U.S.C. § 102**

The Examiner rejected claims 23-25 under 35 U.S.C. § 103 as being anticipated by *Loh*. Applicants respectfully disagree. Nonetheless, in view of the cancellation of claims 23-25, the rejection has been rendered moot. Accordingly, withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of August, 2008.

Respectfully submitted,

**/Ronald J. Ward/Reg. No. 54,870**

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800